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**CONFIDENTIAL: INTER-OFFICE COMMUNICATION - DO NOT
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DATE: May 6, 2008
TO: Jeffrey Donels, PE
A.U. 2837
VIA: Lincoln Donovan, SPE
A.U. 2837
FROM: Hien H. Phan, SPRE
RE: REISSUE APPLICATION No. 09/976,769 in IFW

This application was again allowed. A copy of the allowance paper was forwarded by the SPE for review.

After the application was previously returned on 7/18/06, the examiner required in the Office action of 2/22/07 that a new declaration that stated an error that supports reissue be submitted. A supplemental declaration without a stated error was submitted instead. The supplemental declaration was accepted by the examiner and the application is again allowed.

Items 2 and 3 identifying the deficiencies in the previous return of July 18, 2006 have not been corrected.

The supplemental declaration filed 6/22/07 is defective because it does not identify an error that supports this reissue. See MPEP 1414 and item 2 in the previous return memo below.

Claim 1 is selected for the OG. Since claim 1 is an original and unamended patent claim, it must not be selected. See item 23 of the previous return memo below.

Please withdraw the allowance count and take appropriate action.

**CONFIDENTIAL: INTER-OFFICE COMMUNICATION - DO NOT
DISSEMINATE OR SCAN**

DATE: July 18, 2006
TO: Jeffrey Donels, PE

A.U. 2837

VIA: Lincoln Donovan, SPE
A.U. 2837

FROM: Hien H. Phan, SPRE

RE: REISSUE APPLICATION No. 09/976,769 in IFW

The allowance action was counted and forwarded to the SPRE unit for review.
The application is not ready for issue for the following reasons:

1) A completed reissue checklist was not included with the folder. Please complete the checklist and take appropriate actions to correct deficiencies, including those identified below.

2) Reissue declaration:

The declaration is defective for the following reasons:

- It fails to state an error relied upon for reissue. The reissue declaration filed June 18, 2004, states that: "At least one error upon which reissue is based is that I failed to claim a system for synthesizing a musical tone according to control information in which a processor executes a process of providing control information at a variable period and a controller controls the variable period according to the detected load of the processor." This stated error is not corrected by any claims being indicated as allowed. Namely, none of the new independent claims recites "a processor executing a process of providing control information at a variable period and a controller controls the variable period according to the detected load of the processor." The allowed new independent claims appear to be directed to frequency.
- The reissue declaration fails to acknowledge that the errors corrected by the amendments to the claims and addition of claims 73-75 filed 2/14/05 arose without deceptive intent. 37 CFR 1.175(b)(2).

Accordingly, the stated error in the reissue declaration is not appropriate/adequate to meet the requirement of specifying an error that supports the reissue within the meaning 37 CFR 1.175(a) (1), (b) (2) and MPEP § 1414.

3) The claim selected for printing in the OG should be an amended or new claim, not an original and unamended claim.

Please check with me if you have any question.